

Introduced by Senator Kuehl

February 8, 2002

An act to add Sections 42912 and 42913 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1374, as introduced, Kuehl. Solid waste: construction and demolition waste materials: diversion requirements: model ordinance.

(1) Existing law requires the California Integrated Waste Management Board to adopt a model ordinance for adoption by any local agency relating to adequate areas for collecting and loading recyclable materials in development projects. The board is required to develop the model ordinance in consultation with the League of California Cities, the County Supervisors Association of California, and certain other interested parties and to distribute the draft model ordinance to all local agencies and other interested parties for review. Local agencies are required to adopt an ordinance, not later than a specified date, relating to adequate areas for collecting and loading recyclable materials in development projects. If a local agency has not adopted that ordinance by the specified date, the model ordinance adopted by the board is required to take effect on that date and be enforced by the local agency and have the same force and effect as if adopted by the local agency as an ordinance.

This bill would require the board, not later than March 1, 2004, after holding a public hearing, to adopt a model ordinance suitable for adoption by any local agency to require not less than a 75% diversion of construction and demolition waste materials from landfills. The bill would require the board to develop the model ordinance in consultation with the League of California Cities, the County Supervisors

Association of California, and certain other interested parties and to distribute the draft model ordinance to all local agencies and other interested parties for review.

The bill would require local agencies to adopt an ordinance, not later than September 1, 2005, requiring not less than a 75% diversion of construction and demolition waste materials from landfills. If a local agency has not adopted that ordinance by the specified date, the bill would require the model ordinance adopted by the board to take effect on that date and be enforced by the local agency and have the same force and effect as if adopted by the local agency as an ordinance. The bill would create a state-mandated local program by imposing these requirements upon local agencies.

The bill would authorize the board to modify the diversion requirement and the date for local adoption of the ordinance, as specified.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 42912 is added to the Public Resources
- 2 Code, to read:
- 3 42912. (a) Not later than March 1, 2004, after holding a
- 4 public hearing, the board shall adopt a model ordinance suitable
- 5 for adoption by any local agency to require not less than a 75
- 6 percent diversion of construction and demolition waste materials
- 7 from landfills.
- 8 (b) The board shall consult with representatives of the League
- 9 of California Cities, the County Supervisors Association of



1 California, private and public waste services, and building
2 construction and management in developing the model ordinance.

3 (c) Not later than January 1, 2004, the board shall distribute the
4 draft model ordinance to all local agencies and other interested
5 parties for review. Any comments shall be submitted to the board
6 by February 1, 2004, for consideration at the public hearing of the
7 board to adopt the ordinance.

8 SEC. 2. Section 42913 is added to the Public Resources Code,
9 to read:

10 42913. (a) By September 1, 2005, each local agency shall
11 adopt an ordinance that requires not less than a 75 percent
12 diversion of construction and demolition waste materials from
13 landfills.

14 (b) If by September 1, 2005, a local agency has not adopted an
15 ordinance that requires not less than a 75 percent diversion of
16 construction and demolition waste materials from landfills, the
17 model ordinance adopted pursuant to Section 42912 shall take
18 effect on that date and shall be enforced by the local agency and
19 have the same force and effect as if adopted by the local agency as
20 an ordinance.

21 (c) The board may reduce the diversion requirement set forth
22 in subdivision (a) or delay the date set forth in subdivision (b) for
23 adoption of the ordinance, or both, in accordance with Article 1.5
24 (commencing with Section 41787) of Chapter 6 of Part 2, for local
25 agencies that are eligible for reduction of diversion requirements
26 under that article.

27 SEC. 3. Notwithstanding Section 17610 of the Government
28 Code, if the Commission on State Mandates determines that this
29 act contains costs mandated by the state, reimbursement to local
30 agencies and school districts for those costs shall be made pursuant
31 to Part 7 (commencing with Section 17500) of Division 4 of Title
32 2 of the Government Code. If the statewide cost of the claim for
33 reimbursement does not exceed one million dollars (\$1,000,000),
34 reimbursement shall be made from the State Mandates Claims
35 Fund.

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